



# BOARD OF ADJUSTMENT

## AGENDAS & MINUTES

### MINUTES OF APRIL 2, 2012

The regular meeting of the Sussex County Board of Adjustment was held Monday, April 2, 2012, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:05 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members Mrs. Susan Isaacs – Chief Zoning Inspector, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes of March 19, 2012 as circulated. Motion carried 5 – 0.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously to approve the Finding of Facts of March 5, 2012. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

### PUBLIC HEARINGS

**Case No. 10957 – Larry Warner & Wanda Warner** – northeast of Road 341 (Falling Point Road) southwest of South Dogwood Drive, being Lot 247 within Dogwood Acres development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Larry and Wanda Warner and Mark Brittingham were sworn in and testified requesting an 8.4-foot variance from the required 30-foot front yard setback requirement for an existing factory built covered porch in the manufactured home; that Mr. Brittingham installed the manufactured home; that he obtained the permit on October 17, 2011; that on October 30, 2011 he measured for the location of the unit from the road; that the footers were inspected and approved by the Zoning Inspector; that once the unit was placed on the lot the Zoning Inspector called him to say the unit did not meet the front yard setback requirement; that there are no visual property corners marked; that he then called the Planning & Zoning Department to verify the setback requirements; that another Zoning Inspector verified the

setback requirement from the road; that he did not realize the setback requirement should be measured from the property line; that the unit cannot be placed to the rear of the property due to an existing drain field; and that there are other variances in the development.

The Board found that no parties appeared in support of or in opposition to the application.

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Mr. Mills stated that he would move the Board recommend approval of Variance Application No. 10957 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The unique situation concerning the setback requirements;
2. The variance will enable reasonable use of the property;
3. The difficulty was not created by the Applicants;
4. The variance, if granted, will not alter the character of the neighborhood; and
5. The variance is the minimum variance to afford relief.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

**Case No. 10958 – Helen S. Waite** – southeast of Road 266 (New Road) 400 feet northeast of Route 269A (Old Orchard Road).

A special use exception to operate a bed and breakfast.

Mrs. Isaacs presented the case. Helen Waite was sworn in and testified requesting a special use exception to operate a bed and breakfast; that since the children have moved out they would like to use the extra space to operate a bed and breakfast in the existing bedrooms; that there will be no physical changes to the dwelling; that they will mainly operate on weekends only; that the property is a 4-acre parcel; that there is adequate space available for parking; that the dwelling sits approximately 200-foot from the road; that she doubts the neighbors would even notice the bed and breakfast operation; and that there will be no adverse effect to the neighborhood.

The Board found that no parties appeared in support of or in opposition of the application.

Mr. Rickard stated that he would move that the Board recommend approval of Special Use Exception Application No. 10958 for the requested Special Use Exception based on the

record made at the public hearing because the use does not substantially affect adversely the uses of the adjacent and neighboring properties.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Mills – yea, Mr. Workman – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

### **OLD BUSINESS**

**Case No. 10956 – Scott Stumpf** – south of Route 1 (Coastal Highway) southeast of Center Avenue, being Lot D57 within Sea Air a Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

The Board discussed the case which has been tabled since March 19, 2012.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 10956 for the requested variance based on the record made at the public hearing and for the following reasons;

1. The non-conforming lots create a uniqueness to the lot;
2. The difficulty was not created by the Applicant;
3. The variance, if granted will not alter the character of the neighborhood;
4. The variance will enable reasonable use of the property;
5. The variance is the minimum to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

**Meeting Adjourned 7:30 p.m.**